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5 UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION

8 ABSOLOM CRISTOBAL,

9 Plaintiff,

10 vs.

11 SECURITAS SECURITY SYSTEMS USA
12 INC.,

13 Defendant.

Case No: C 11-3114 SBA

ORDER

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15 Pro se plaintiff Absolom Cristobal filed the instant action against his former
16 employer, Securitas Security Systems USA Inc., in state court on May 24, 2011. On June
17 23, 2011, Defendant filed an answer in state court and removed the action under Section
18 301 of the Labor Management Relations Act.


19 On or about September 29, 2011, Plaintiff lodged an Amended Complaint with the
20 Court. The time for Plaintiff to amend as a matter of right has passed. See Fed. R. Civ. P.
21 15(a) (plaintiff may amend twenty-one days after serving the complaint or within twenty-
22 one days of service of a responsive pleading or Rule 12 motion, whichever is earlier). As
23 such, Plaintiff may amend the Complaint “only with the opposing party’s written consent or
24 the court’s leave.” Id. 15(b). Here, Plaintiff did not accompany his proposed pleading with
25 a stipulation to file an Amended Complaint. Although the last page of the proposed
26 pleading includes a one-sentence request for permission to file the complaint, Plaintiff
27 should instead have filed a motion for leave to amend in accordance with Federal Rule of
28 Civil Procedure 15(a)(2) and Civil Local Rule 7.

1 Plaintiff should be aware that although he is acting pro se (i.e., without an attorney)
2 he nevertheless remains obligated to follow the same rules as represented parties. See
3 Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995) (“Although we construe pleadings
4 liberally in their favor, pro se litigants are bound by the rules of procedure.”) (per curiam);
5 King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) (same). Self-representation is not an
6 excuse for non-compliance with Court rules. See Swimmer v. I.R.S., 811 F.2d 1343, 1344
7 (9th Cir. 1987) (“[i]gnorance of court rules does not constitute excusable neglect, even if
8 the litigant appears pro se.”) (citation omitted). Plaintiff’s failure to comply with any
9 procedural requirements, including any Court order, may result in the imposition of
10 sanctions up to and including dismissal of the action. See Ferdik v. Bonzelet, 963 F.2d
11 1258, 1260 (9th Cir. 1992). Accordingly,

12 IT IS HEREBY ORDERED THAT Plaintiff’s request to file an Amended Complaint
13 is DENIED without prejudice. If Plaintiff intends to file an Amended Complaint, he must
14 first meet and confer with Defendant’s counsel in an effort to reach a stipulation (i.e., an
15 agreement) to allow him to file an Amended Complaint with the Court. If Plaintiff is
16 unable to reach such an agreement, he may file a motion for leave to amend in accordance
17 with Federal Rule of Civil Procedure 15. Such a motion should be filed in accordance with
18 the Court’s Standing Orders and the Court’s Local Rules (including but not limited to Rule
19 7), both of which are available on the Court’s website, www.uscourts.cand.gov. The Clerk
20 shall return the proposed Amended Complaint to Plaintiff.

21 IT IS SO ORDERED.

22 Dated: October 12, 2011


23 SAUNDRA BROWN ARMSTRONG
24 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 ABSALOM CRISTOBAL,

5 Plaintiff,

6 v.

7 SECURITAS SECURITY SERVICES et al,

8 Defendant.
9 _____/

10 Case Number: CV11-03114 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on October 13, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Absalom Cristobal
19 1017 L Street,
20 #750
Sacramento, CA 95814

21 Dated: October 13, 2011

22 Richard W. Wieking, Clerk

23 By: LISA R CLARK, Deputy Clerk
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